



Senate

General Assembly

File No. 320

February Session, 2016

Substitute Senate Bill No. 301

Senate, March 30, 2016

The Committee on Commerce reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT MODIFYING THE STANDARD FOR MANDATORY REPORTING OF ENVIRONMENTAL SPILLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-450 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 [The] (a) Until the commissioner adopts the regulations required
4 under subsection (c) of this section, the master of any ship, boat, barge
5 or other vessel, or the person in charge of any terminal for the loading
6 or unloading of any oil or petroleum or chemical liquids or solid,
7 liquid or gaseous products, or hazardous wastes, or the person in
8 charge of any establishment, or the operator of any vehicle, trailer or
9 other machine which by accident, negligence or otherwise causes the
10 discharge, spillage, uncontrolled loss, seepage or filtration of oil or
11 petroleum or chemical liquids or solid, liquid or gaseous products, or
12 hazardous wastes which poses a potential threat to human health or
13 the environment, shall immediately report such discharge, spillage,
14 uncontrolled loss, seepage or filtration to the commissioner. [such facts

15 as the commissioner by regulation may require.] Any such report shall
16 include, but not be limited to, the location, the quantity and the type of
17 substance, material or waste, the date and the cause of the discharge,
18 spillage, uncontrolled loss, seepage or filtration, the name and address
19 of the owner of the ship, boat, barge or other vessel, terminal,
20 establishment, vehicle, trailer or machine, and the name and address of
21 the person making the report and his or her relationship to the owner.
22 Any person who fails to make a report required by this section may be
23 fined not more than one thousand dollars and the employer of such
24 person may be fined not more than five thousand dollars, except that
25 any person who fails to make a report relating to the discharge,
26 spillage, uncontrolled loss, seepage or filtration of gasoline shall be
27 fined not more than five thousand dollars and the employer of such
28 person may be fined not more than ten thousand dollars.

29 (b) On and after the date the commissioner adopts regulations
30 pursuant to subsection (c) of this section, the report described in
31 subsection (a) of this section shall be required whenever the discharge,
32 spillage, uncontrolled loss, seepage or filtration (1) poses a potential
33 threat to human health or the environment, and (2) exceeds the
34 applicable threshold adopted by the commissioner pursuant to
35 subsection (c) of this section.

36 (c) The commissioner shall adopt regulations, in accordance with
37 the provisions of chapter 54, to define the threshold amounts for
38 discharges, spillages, uncontrolled losses, seepages or filtrations that
39 shall be reported to the commissioner pursuant to this section. Such
40 threshold amounts shall be defined in units of weight for solid
41 products and in units of volume for liquid and gaseous products. Such
42 regulations may include the specification of any facts, in addition to
43 those specified in subsection (a) of this section, that shall be included
44 in any report submitted under this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	22a-450

CE *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill alters reporting requirements to the Department of Energy and Environmental Protection (DEEP) of environmental spills under certain conditions.¹ Additionally, it requires DEEP to adopt regulations concerning the discharge, spillage, uncontrolled loss, and seepage or filtration threshold amounts for spillage reporting requirements.

As DEEP has expertise with spills and has begun drafting the regulations, the bill has no fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

¹ There are approximately 8,000 spills reported to DEEP annually.

OLR Bill Analysis**sSB 301*****AN ACT MODIFYING THE STANDARD FOR MANDATORY REPORTING OF ENVIRONMENTAL SPILLS.*****SUMMARY:**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations specifying numerical thresholds for reporting to DEEP discharges, spills, or other releases of specified substances, materials, and waste. A person responsible for a release must report it under the bill if it exceeds the applicable threshold and poses a potential threat to human health or the environment.

Current law requires the people responsible for these events to report them to DEEP if the released substance, material, or waste threatens human life or the environment, regardless of the amount. They must continue to do so under the bill until the commissioner adopts the regulatory thresholds.

EFFECTIVE DATE: October 1, 2016

REGULATORY THRESHOLDS

The bill requires the DEEP commissioner to adopt regulatory thresholds for reporting discharges, spills, uncontrolled losses, seepages, or filtrations. He must specify the thresholds for solids in units of weight and the thresholds for liquids or gaseous products in units of volume. The regulations may require people reporting releases to include specified facts in addition to those the law already requires.

Under current law, a release must be reported if it potentially threatens human life and the environment, regardless of the amount. The reporting person must include their name and address; the

location, amount released, and cause of the release; the vessel's, facility's, or establishment's owner; and their relationship with the owner.

BACKGROUND

Reporting Requirements

Under the law, the reporting requirement applies to release of specific substances, materials, and wastes under different situations. A release can be a discharge, spill, uncontrolled loss, seepage, or filtration of oil or petroleum; chemical liquids; or solid, liquid, or gaseous products; or hazardous wastes. It can be from a boat, barge, or other vessel; a terminal where these substances are loaded and unloaded; or an establishment, vehicle, trailer, or other machine where a substance is accidentally, negligently, or otherwise released.

A vessel's master, the person in charge of a terminal, an establishment's owner, and a machine's operator are specifically responsible for reporting a release. They and their employers must pay fines if the person responsible for a release fails to report it. For most substances, the fine is up to \$1,000 for the responsible person and up to \$5,000 for the person's employer. The maximum fines increase to \$5,000 and \$10,000 respectively for gasoline releases.

COMMITTEE ACTION

Commerce Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/15/2016)